

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being cancelled.

Claims 1, 6, 7, 9, 13, 18 and 19 are currently being amended.

No claims are currently being added.

This amendment amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-20 are now pending in this application.

Claim Rejections – Prior Art:

In the Office Action, claims 1-3, 6-10, 13-15 and 18-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,016,505 to Badovinatz; and claims 4, 5, 11, 12, 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Badovinatz in view of U.S. Patent No. 6,694,450 to Kidder et al. These rejections are traversed with respect to the presently pending claims, for at least the reasons given below.

In column 7, line 66 to column 8, line 17 of Badovinatz, it clearly describes the methodology for allowing a new processor to join a processor group, whereby the new processor requests admittance to the Group Leader, and whereby the Group Leader updates the membership list for the group to include the new processor, and whereby the Group Leader informs the other members of the group of the inclusion of the new processor in the group.

On pages 3-6 of the Office Action, the Examiner points to several passages of Badovinatz for allegedly supporting his rejection of the claims. However, these assertions are in error, with respect to the features recited in the presently pending claims.

As clearly recited in claim 1, there is performed a step of evaluating at least one criterion for promoting said probationary member to a full member, based on information

obtained from said probationary member by said each of said plurality of processes on said plurality of communication paths. Thus, each of the processes provides information used to evaluate whether or not a probationary member is to be promoted to a full member. In Badovinatz, on the contrary, the Group Leader performs this evaluation solely by itself.

Column 5, lines 47-62 of Badovinatz merely describes that a processor asks to become a member when the processor is not aware of a corresponding process group that its process is requesting to join.

Column 6, lines 1-11 of Badovinatz describes the functions of the Group Leader, which is the entity that determines whether or not a requesting processor is to be allowed to join the group of the Group Leader. The fact that the Group Leader may include several processes (e.g., see Process X and Process X within Processing Node 2 as shown in Figure 4 of Badovinatz), does not signify that the Group Leader includes all of the relevant processes within its group. Rather, there are clearly other processes within the group (see Process X in Processing Node 1 as shown in Figure 4 of Badovinatz) that are not within the Group Leader of Badovinatz.

Page 4 of the Office Action cites column 5, lines 31-46 of Badovinatz for allegedly supporting its interpretation of that reference. However, column 5, lines 31-46 of Badovinatz merely describes that “the processors of a particular group are related in that they are executing related processes.” This does not mean that when Processor Node 2 performs is Process X and Process X, then Process X of Processor Node 1 is controlled by Processor Node 2. Rather, when information is provided by Processor Node 2 based on a request for entry into its group, Processor Node 1 does not provide any input for that request. See Figure 5b of Badovinatz in particular.

Page 5 of the Office Action cited column 13, line 62 to column 14, line 11 of Badovinatz for allegedly providing more support for its interpretation of that reference. However, this portion of Badovinatz merely describes that the first process to join a process group identifies a set of attributes for the group, such as whether or not the process group will accept batched requests. This has nothing at all to do with having each process within the process group provide information as to a probationary member that is requesting to join the group, whereby that information is used in evaluating whether or not the probationary member should be allowed into the group.

In other words, the presently claimed invention does not have a Group Leader, since each member of a group has equal power with respect to that group (e.g., in deciding whether or not to allow a prospective new member).

To make the distinctions between the claimed invention and Badovinatz more clear, presently pending independent claim 1 (as well as independent claims 9 and 13) has been amended to recite that at least two of said plurality of processes are performed on separate processors that communicate with each other over a computer network. That way, in the presently claimed invention, a group cannot correspond to a plurality of processes being performed by a single processor.

Thus, independent claim 1, as well as independent claims 9 and 13 which recite similar features as those discussed above for claim 1, are not anticipated by Badovinatz.

The presently pending dependent claims are patentable due to their dependencies on one of the presently pending independent claims discussed above, as well as for the specific features recited in those dependent claims. For example, claim 6 recites a step of replacing said first process and promoting said probationary member to said full member in a single view change. The Office Action asserts that column 16, lines 49-51 of Badovinatz teaches this feature, but this assertion is incorrect. In particular, column 16, lines 49-51 of Badovinatz describes that “the group is driven through a multi-step protocol, as described above.” This clearly teaches away from a single view change, and suggests a multi-view change is required in the system and method of Badovinatz.

The Office Action also refers to column 11, lines 36-40 of Badovinatz, whereby this portion of Badovinatz merely describes that “the request to join is selected, followed by the request to leave.” Again, there is nothing in this portion of Badovinatz that suggests a single view change; rather, it suggests a multi-view change.

Similarly, column 15, lines 19-24 of Badovinatz merely describes that the process for removing a process when a process fails is similar to the process for removing a process when that process requests to leave, whereby this does not suggest the use of a single view change.

To make this distinction even more clear, claim 6 (and claim 18) has been amended to recite in which all processes in said system are notified of said first process being replaced simultaneously with said probationary member being promoted. In Badovinatz, on the

contrary, there appears to be transition period in which one member is added before the old member is removed from the system, whereby the group members are notified of this transition period.

Accordingly, dependent claim 6, as well as dependent claim 18 which recites similar features, are separately patentable over the disclosure of Badovinatz, as well as the other art of record.

With respect to dependent claim 7 (as well as dependent claim 19, which recites similar features), that claim has been amended to recite that a memory image of said first process is transferred by said first process to said probationary member and said probationary member indicates successful reception of said memory image prior to said first process being replaced. Such features are not disclosed or suggested by Badovinatz, or by the other cited art of record.

Accordingly, dependent claim 7, as well as dependent claim 19 which recites similar features, are separately patentable over the disclosure of Badovinatz, as well as the other art of record.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1,17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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